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- and -

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Counsel for Plaintiffs and the Proposed Class

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF NEW YORK**

ADAM JERNOW and LEAH McLAWRENCE,  
on behalf of themselves and all others similarly  
situated,

Plaintiffs,

vs.

WENDY'S INTERNATIONAL, INC.,

Defendant.

**No. 07-CV-3971(LTS) (THK)**

**NOTICE OF MOTION AND  
MOTION FOR CLASS  
CERTIFICATION**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

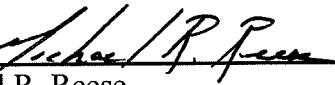
**PLEASE TAKE NOTICE** that on a date and time designated by the Court, at the United States District Court for the Southern District of New York, located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, plaintiffs Adam Jernow and Leah McLawrence will and hereby do move this Court for an order under Rule 23 of the Federal Rules of Civil Procedure certifying this action as a class action, appointing them Class Representatives and appointing their counsel as Class Counsel.

The proposed class definition is: all New York residents who purchased french fries from Wendy's International, Inc. ("Wendy's" or "Defendant") from June 8, 2006 to the present (the "Class Period") within the state of New York.

This motion is made following a conference between the parties' counsel on May 14, 2008, pursuant to Judge Swain's Individual Practices Rule 2(B). This motion is based upon this Notice of Motion, Memorandum of Law in Support of Motion for Class Certification, the accompanying Declaration of Michael R. Reese, as well as the pleadings and papers on file in this action, and such other matters of which the Court shall take judicial notice. The Memorandum of Law and Declaration of Michael R. Reese are being manually filed under seal pursuant to the January 23, 2008 Protective Order. Redacted versions of the above-referenced documents are being filed electronically.

Dated: May 19, 2008

**REESE RICHMAN LLP**

By:   
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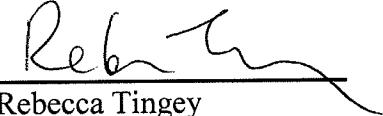
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies I caused a true and correct copy of the foregoing to be served upon the following via U.S. Mail and electronic mail the 19<sup>th</sup> day of May, 2008:

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